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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,019	12/18/2003	George Kakatsakis	46686.830001.US0	1725
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HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER ZECHER, MICHAEL R	
			ART UNIT 3691	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/740,019

Applicant(s)

KAKATSAKIS ET AL.

Examiner

Michael R. Zecher

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The follow is a non-final, first Office action on the merits. **Claims 1-20** are pending.

#### *Claim Objections*

2. **Claim 1** is objected to because of the following informalities: grammatical error. Claim 1 recites "...the account of the user is updated based the received reply." Claim 1 should be stated as follows: "...the account of the user is updated based [on] the received reply." Appropriate correction is required.
3. **Claim 12** is objected to because of the following informalities: grammatical error. Claim 12 recites "...a rules engine, the rules engine is coupled message engine and comprises at least one rule template...". Claim 12 should be stated as follows: "a rules engine, the rules engine is coupled [to the] message engine and comprises at least one rule template...". Appropriate correction is required.
4. **Claim 20** is objected to because of the following informalities: grammatical error. Claim 20 recites "...generate a message with a [peply] set of at least one reply instruction." Claim 20 should be stated as follows: "...generate a message with a [reply] set of at least one reply instruction." Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. **Claims 1-5, 9, 12-14, & 16-20** are rejected under 35 U.S.C. 102(b) as being anticipated by *Postova banka a.s. Selects Infinite Technologies' WAPlite to Provide WAP Mobile Banking in the Slovak Republic* ("Postova"), PR Newswire, New York: May 9, 2000. pg. 1.

**As per claim 1**, Postova teaches a method for alert driven transactions, comprising the steps of:

receiving information from a provider relating to an account of a user (See pg. 1, which discusses how WAP banking customers will be able to access their accounts; it is inherent that the customer would provide the WAP bank with the necessary information);

determining whether an alert should be generated based on the received information (See pg. 1, which discusses how a user may define transactions and set rules);

generating an outbound message for transmission to the user if it is determined the alert should be generated (See pg. 1, which discusses sending messages which will alert users to changes in their account);

delivering the outbound message to the user (See pg. 1, which discusses sending messages to a user);

determining whether a reply is received (See pg. 1, which discusses how transactions may be transmitted from a phone to the bank's secure server upon notification of a change in a user's account);

creating an account update signal based on the received reply if it is determined the reply was received (See pg. 1, which discusses how a user may transmit from his/her phone, and how money can be transferred between accounts; it is inherent that the user's account is updated); and

transmit the account update signal to the provider (See pg. 1, which discusses sending messages alerting users to completions of specific transactions; it is inherent that the user's account is updated), wherein

the account of the user is updated based [on] the received reply (See pg.1, which discusses alerting users to completion of specific transactions, such as cleared checks; it is inherent that the user's account is updated).

**As per claim 2**, Postova teaches wherein the step of receiving information from a provider comprises polling the provider for the information (See pg. 1, which discusses monitoring a customer's bank account).

**As per claim 3**, Postova teaches wherein the step of determining whether an alert should be generated comprises the step of comparing the received information to a rule set comprised of at least one rule (See pg. 1, which discusses user defined transactions and how users may set rules).

**As per claim 4**, Postova teaches wherein the step of delivering the outbound message to the user comprises at least one of a text message, a voice message, and an email message (See pg. 1, which discusses how the user receives an SMS message, otherwise known as text messaging).

**As per claim 5**, Postova teaches wherein the step of generating the outbound message includes providing a reply set of at least one reply instruction (See pg. 1, which discusses how a user may transmit a transaction from his phone to the bank's secure server).

**As per claim 9**, Postova teaches wherein the provider is a wireless service provider (See pg. 1, which discusses how the service offered by WAP is wireless).

**Regarding claim 12**, this claim is an apparatus claim that corresponds to method claim 1. Apparatus claim 12 and method claim 1 are substantially equivalent. Therefore, claim 12 is rejected with the same rationale given to reject claim 1.

**As per claim 13**, Postova teaches wherein the data engine translates the data between a first protocol usable by the provider server and a second protocol used by the processor (See pg. 1, which discusses encryption security).

**Claim 14** recites equivalent limitations to claim 9 and is therefore rejected using the same art and rationale set forth above.

**Regarding claim 16**, this claim is a computer readable medium claim that corresponds to method claim 1. Computer readable medium claim 16 and method claim 1 are substantially equivalent. Therefore, claim 16 is rejected with the same rationale given to reject claim 1.

**Claims 17-20** recite equivalent limitations to claims 2-5, respectively, and are therefore rejected using the same art and rationale set forth above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over

*Postova banka a.s. Selects Infinite Technologies' WAPlite to Provide WAP Mobile*

*Banking in the Slovak Republic* ("Postova"), PR Newswire, New York: May 9, 2000. pg.

1, further in view of Official Notice.

**As per claim 6**, Postova does not expressly disclose the step of instructing an inbound message engine to wait for the reply.

The Examiner takes Official Notice that it is old and well known in the art to provide instructions that outline how to reply to a message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Postova to include instructions on how to reply to an inbound message in order to allow customers to quickly and conveniently interact with banks when making decisions regarding their accounts.

**As per claim 7**, Postova teaches creating an account update signal based on a reply (See pg. 1, which discusses how a user may transmit from his/her phone, and how money can be transferred between accounts; it is inherent that the user's account is updated). However, Postova does not expressly disclose generating a default reply if it is determined that the reply is not received.

The Examiner takes Official Notice that it is old and well known in the art to provide generate a default reply if no reply is received. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Postova to include a default reply in order to notify the bank that either the customer did not receive the initial message or the customer may be busy and cannot respond at the moment.

**As per claim 8**, Postova does not expressly disclose generating a second outbound message if it is determined that the reply is not received.

The Examiner takes Official Notice that it is old and well known in the art to send a second message in order to provide additional notification. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Postova to include sending a second message when no reply was received from the first message in order to provide bank customers with more than one notice about their account transactions.

9. **Claims 10, 11, & 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Postova banka a.s. Selects Infinite Technologies' WAPlite to Provide WAP Mobile Banking in the Slovak Republic* ("Postova"), PR Newswire, New York: May 9, 2000. pg. 1, further in view of Raith (U.S. 6,493,547).

**As per claim 10**, Postova teaches a method for alert driven transactions, comprising the steps of:

generating an outbound message that includes at least one reply option for modifying the account of the user (See pg. 1, which discusses how a user may transmit a transaction from his phone to the bank's secure server);

transmitting the outbound message to the user (See pg. 1, which discusses sending messages which will alert users to changes in their account);

determining whether the at least one reply is received from the user (See pg. 1, which discusses how transactions may be transmitted from a phone to the bank's secure server upon notification of a change in a user's account); and

modifying the account of the user based on the at least one reply (See pg.1, which discusses alerting users to completion of specific transactions, such as cleared checks; it is inherent that the user's account is modified).

However, Postova does not expressly disclose receiving information from a wireless cellular carrier indicating an amount of penalty time remaining in an account of a user; and

generating an outbound message for transmission to the user indicating the amount of non penalty time remaining on the account.

Raith disclose how usage information, such as minutes remaining on a monthly block, is provided to a terminal by a wireless communication system (See abstract).

Both Postova and Raith disclose means for alerting users to information concerning their respective accounts. Raith discloses providing a user with the number of minutes remaining on his monthly plan, and communicating the minutes remaining as a control message during a call (See column 4, lines 5-32, which discusses providing

wireless communication concerning minutes remaining on a cellular plan via a control message communicated during a call). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Postova to include receiving information concerning the minutes remaining on a monthly plan and generating a message containing such information as taught by Raith in order to achieve the predictable result of notifying a cellular user of the minutes remaining on his plan and providing him with an option to rectify any potential surcharges.

**As per claim 11**, Postova does not expressly disclose wherein the amount of non penalty time remaining in an account of the user comprises information consisting of a number of minutes used in a plan, a number of minutes left in a plan, a percentage of time left in the plan, and a percentage of time used in the plan.

Raith discloses providing a user with the number of minutes used, the number of minutes remaining on the monthly plan, or the like (See column 4, lines 5-32, which discusses providing wireless communication concerning minutes used on a cellular plan, minutes remaining on a cellular plan, or the like; it is inherent that percentages could be calculated according to the disclosure of used minutes and minutes remaining). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Postova to include receiving information concerning the minutes used and the minutes remaining on a monthly plan, including percentages, as taught by Raith in order to achieve the predictable result of quickly and conveniently notifying a cellular user of the minutes used and remaining on his plan.

**As per claim 15**, Postova does not expressly disclose wherein the at least one rule template comprises information relating to connect minutes.

Raith discloses providing a user with the number of minutes used, the number of minutes remaining on the monthly plan, or the like (See column 4, lines 5-32, which discusses providing wireless communication concerning minutes used on a cellular plan, minutes remaining on a cellular plan, or the like). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Postova to include a set of rules relating to connection minutes as taught by Raith in order to achieve the predictable result of quickly and conveniently notifying a cellular user of the minutes used on his plan based on predetermined criteria.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chmaytelli et al. (U.S. 7,113,772) discloses a wireless communications services pay plan customizer and notifier.

McGregor et al. (U.S. 6,198,915) discloses a mobile phone with internal accounting.

Capers, Jr. et al. (U.S. 6,049,698) discloses an apparatus and method for initiating a reminder alarm action in a subscriber unit.

Fellenstein et al. (U.S. 6,912,382) discloses a system and method for enhanced telephone customer usage detail.

Ferry JR. et al. (U.S. 2004/0199470) discloses an electric transaction notification system and method.

Frisk (U.S. 6,430,406) discloses credit information in a mobile phone.

Aljadeff et al. (U.S. 5,729,196) discloses a personal location and message system and unit.

Henry (U.S. 5,012,219) discloses a message reminder alert for selective call receiver.

*NFront Selected by Powertel to Provide Mobile Access for Internet Banking Customers*, Business Editors/High-Tech Writers, Business Wire, New York: Dec. 6, 1999, pg. 1.

*Digital Insight Unveils Wireless Strategy, Offering Remote Access for Internet Banking Services*, PR Newswire, New York: March 9, 2000, pg. 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Zecher whose telephone number is 571-270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRZ



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**